

UNITED STATES DISTRICT COURT

for the
Western District of Oklahoma**FILED**

OCT 30 2013

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY  DEPUTYCase No. M-13- **496** -SM

In the Matter of the Search of)
 United States Postal Service Express Mail parcel)
 originating in the City of San Jose, California. More)
 specifically, described as a sealed USPS Express Mail)
 parcel measuring approximately 15" x 12" x 10", with)
 USPS tracking number EU 981376403 US, and postage)
 of \$84.20 from Zip Code 95101 weighing approximately)
 11 lbs. 9.8 ozs. postmarked October 29, 2013. The)
 parcel's return address is Kevin Tran at 1976 Waverly)
 Ave, San Jose, CA 95122. The parcel's addressee is)
 Jason Lee at 1324 NW 9th St, Moore, OK 73170.)

APPLICATION FOR A SEARCH WARRANT

I, Brian Hess, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property located in the Western District of Oklahoma: United States Postal Service Express Mail parcel originating in the City of San Jose, California. More specifically, described as a sealed USPS Express Mail parcel measuring approximately 15" x 12" x 10", with USPS tracking number EU 981376403 US, and postage of \$84.20 from Zip Code 95101 weighing approximately 11 lbs. 9.8 ozs. postmarked October 29, 2013. The parcel's return address is Kevin Tran at 1976 Waverly Ave, San Jose, CA 95122. The parcel's addressee is Jason Lee at 1324 NW 9th St, Moore, OK 73170.

The property to be searched, described above, is believed to conceal: Controlled Substances

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of **Title 21 U.S.C. § 841(a)(1)**, and the application is based on these facts:

SEE ATTACHMENT "A".

☒ Continued on the attached sheet

- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Brian Hess, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/30/13

City and state: Oklahoma City, Oklahoma



Suzanne Mitchell, United States Magistrate Judge

Printed name and title

ATTACHMENT "A"

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Brian Hess, being duly sworn, do hereby depose and state:

1. I am a Postal Inspector with the United States Postal Inspection Service, and have been so employed since January 2013. I am currently assigned to the Fort Worth Division of the United States Postal Inspection Service domiciled in Oklahoma City, Western District of Oklahoma. I am responsible for conducting investigations of crimes against the United States Mail in violation of federal law(s).

2. I have received training on the investigation of dangerous and prohibited mailings, namely, narcotic investigations, as part of my employment with the United States Postal Inspection Service. Prior to working for the United States Postal Inspection Service, I was employed as a narcotics agent with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control from August 2007 to January 2013. While employed as an agent with the Oklahoma Bureau of Narcotics, I participated in over three hundred (300) drug-related investigations including those for methamphetamine, marijuana, cocaine hydrochloride, cocaine base, heroin, ecstasy, and prescription narcotics. Those investigations included cases involving possession for sale, possession for personal use, distribution, transportation, manufacturing, and cultivation. Furthermore, over the course of my law enforcement career, I have received over 1,000 hours of additional law enforcement continuing education instruction provided by the United States Postal Inspection Service, the Drug Enforcement Administration, the Bureau of

Alcohol Tobacco and Firearms, the Oklahoma Bureau of Narcotics and Dangerous Drugs; and other state and local law enforcement agencies. I have assisted other United States Postal Inspectors and acted as the Affiant for the application and execution of federal search warrants to open and seize contraband, fruits, instrumentalities and evidence of crimes that were sent via the United States Mail.

3. This Affidavit is based upon the Affiant's personal investigation and upon information received from other law enforcement officers and agents and may not be inclusive of all evidence or information available, or of all facts known to me relative to this investigation. Rather, I have included facts which are necessary to establish probable cause the parcel described herein contains illegal drugs or other articles declared as non-mailable. This affidavit is made in support of an application for a search warrant to search and seize contraband, fruits, instrumentalities and evidence of crimes against the United States in violation of 21 U. S. C. 841(a)(1) from a United States Postal Service Express Mail parcel originating in the City of San Jose, California. More specifically, described as a sealed USPS Express Mail parcel measuring approximately 15" x 12" x 10", with USPS tracking number EU 981376403 US, and postage of \$84.20 from Zip Code 95101 weighing approximately 11 lbs. 9.8 ozs. postmarked October 29, 2013. The parcel's return address is Kevin Tran at 1976 Waverly Ave, San Jose, CA 95122. The parcel's addressee is Jason Lee at 1324 NW 9th St, Moore, OK 73170.

4. I am aware through training and experience, as well as information from other Postal Inspectors with extensive experience in drug trafficking investigations the U. S. Mail is a common and preferred method for drug traffickers to ship their product. The U. S. Express Mail

and Priority Mail are frequently used by drug dealers for not only shipping illegal drugs, but also for shipping the proceeds and money from illegal drug sales and purchases. Use of the U. S. Mail is favored because of the speed, reliability, and low cost of this service, as well as the perceived minimal chance of detection of illegal drugs, money, or financial instruments shipped in such a manner.

5. I am also aware that drug traffickers often use fictitious return addresses and names on return addresses, as well as real names and real addresses, with or without the actual person's knowledge or consent, to avoid detection in the event the parcel is intercepted by law enforcement officers. Parcels containing illegal drugs often provide minimal information on the mailing label to avoid detection of a fictitious name or return address. Drug traffickers normally use heavy tape on the seams and corners of a parcel and have been known to use sealed containers and masking scents, to interfere with any drug detection canine's ability to detect the narcotics. It is common for drug traffickers to mail parcels from a different post office than the one located in the Zip Code area used on the return address, also to avoid detection of fictitious information.

6. On October 30, 2013, I was conducting a review of mail in-transit at the Oklahoma City Processing Facility located at 4025 W. Reno Avenue Oklahoma City, Oklahoma 73125. I was looking for parcels indicating the movement of illegal controlled substances through the United States Mail when I observed the above-described Express Mail parcel. I observed the parcel contained indicators consistent with the shipment of controlled dangerous substances.

7. The parcel had a handwritten label and was mailed from a Zip Code in San Jose, CA. The packaging of the parcel consisted of a white Ready Post brand box with clear packing tape on the seams. I conducted computer database address verifications on the parcel, and the database indicated the return address of 1976 Waverly Ave, San Jose, CA 95122, as listed on the parcel, does exist. The listed sender, Kevin Tran, was not able to be associated with that address.

8. I also checked databases for records of the delivery address on the parcel. The databases indicated the delivery address of 1324 NW 9th St, Moore, OK 73170, does exist. The addressee name, Jason Lee, was not able to be associated with that address. I initiated a check with the United States Postal Service who identified Jason Lee was not known to receive mail at the above listed address.

9. On October 30, 2013, I met with Oklahoma Bureau of Narcotics K9 Agent K. English at the United States Postal Inspection Service Oklahoma City Domicile. Agent English and his K9 drug detection dog "Alfa" are both certified by the State of Oklahoma's Council on Law Enforcement Education and Training (CLEET Number K9-11-2465). K9 "Alfa" is trained and certified in the detection of marijuana, heroin, methamphetamine, and cocaine.

10. Five control parcels were placed on the floor inside the domicile, along with the suspect parcel described above. I observed "Alfa" sniff all of the parcels present on the floor. Furthermore, I observed that when "Alfa" sniffed the parcel described in paragraph three above, "Alfa" displayed behavior consistent with what was identified as an alert indication for Agent English's K9. "Alfa's" positive alert on the suspect parcel, was an indication of the odor of a

controlled substance. Agent English confirmed his K9 drug detection dog "Alfa" gave a positive alert on the parcel described in paragraph three, above. "Alfa" gave a positive alert only to the suspect parcel described in paragraph three, above.

11. Based on the foregoing, I believe there is evidence to show this parcel as described in paragraph three above, was sent via the United States Postal Service in violation of Title 21, United States Code, Section 841(a) (1), and respectfully, request a warrant be issued authorizing the United States Postal Inspection Service to search and seize the illegal contents of this United States Postal Service Mailing.

Further Affiant Sayeth Not



Brian Hess
United States Postal Inspector
United States Postal Inspection Service

Sworn and subscribed to before me this 30 day of October 2013.



Suzanne Mitchell
United States Magistrate Judge
Western District of Oklahoma